

terials may be removed from the apiary without first procuring a permit from the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

Passed the House February 23, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.

CHAPTER 175.

[H. B. 485.]

PORT DISTRICT OFFICERS AND ELECTIONS.

AN ACT relating to port district officers and elections; amending sections 4, 7, 8, and 10, chapter 17, Laws of 1959 and RCW 53.12.020, 53.12.040, 53.12.120, and 53.12.150; amending sections 3 and 4, chapter 69, Laws of 1951 and RCW 53.12.044 and 53.12.046; amending section 3, chapter 62, Laws of 1913, as amended by section 1, chapter 204, Laws of 1927, and RCW 53.12.060; amending section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951, and RCW 29.21.060; adding two new sections to chapter 53.12 RCW; repealing section 2, chapter 39, Laws of 1921, as amended by section 1, chapter 69, Laws of 1951, and RCW 53.12.030; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 4, chapter 17, Laws of 1959 and RCW 53.12.020 are each amended to read as follows:

RCW 53.12.020 amended.

No person shall be eligible to hold the office of port commissioner unless he is a qualified voter of the commissioner district from which he is elected: *Provided*, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120.

Port commissioner—Qualifications.

SEC. 2. Section 7, chapter 17, Laws of 1959 and RCW 53.12.040 are each amended to read as follows:

RCW 53.12.040 amended.

Declarations of candidacy.

Port commissioners shall file declarations of candidacy with the county auditor in which the port district is located for the commissioner district in which the candidate is a resident.

RCW 53.12.120 amended.

SEC. 3. Section 10, chapter 17, Laws of 1959 and RCW 53.12.120 are each amended to read as follows:

Additional commissioners when population increase.

In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after June 11, 1953, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of one commissioner from each of the three commissioner districts, and two commissioners elected at large. The two commissioners at large must be residents of the district and shall be nominated and elected at the same time and in the same manner as the other commissioners, except that they shall be designated on their declarations of candidacy and on the ballots as commissioners at large.

Commissioners at large.

If the proposition is carried by a majority vote, then five days after the election the commission shall consist of five members.

RCW 53.12.044 amended.

SEC. 4. Section 3, chapter 69, Laws of 1951 and RCW 53.12.044 are each amended to read as follows:

Filing declarations of candidacy.

In all port districts, except port districts in class AA and class A counties, declarations of candidacy shall be filed with the county auditor not more than sixty nor less than forty-five days prior to the date of the election; declarations of candidacy for an election for the formation of a port district shall be filed

with the county auditor not more than sixty nor less than twenty days prior to such election.

SEC. 5. Section 4, chapter 69, Laws of 1951 and RCW 53.12.046 are each amended to read as follows:

RCW 53.12.046
amended.

Any candidate for the office of port commissioner may file notice of withdrawal of his candidacy with the county auditor within five days after the last day for filing declarations of candidacy, whereupon his declaration of candidacy shall be void.

Candidacy
withdrawal
filed.

SEC. 6. Section 3, chapter 62, Laws of 1913, as amended by section 1, chapter 204, Laws of 1927 and RCW 53.12.060 are each amended to read as follows:

RCW 53.12.060
amended.

A general election shall be held in conjunction with county elections for the election of a port commissioner or commissioners and for the submission of propositions, and special elections shall be held at such times and for such propositions as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of this act.

Elections.

There shall be not less than one polling place in each of the various wards of any incorporated city within such port district, and one polling place within each precinct of each port district not within the limits of any incorporated city: *Provided*, That the commissioners of any port district having a population of less than two hundred and fifty registered voters, may, by resolution, provide that all elections of said district be held at one central polling place to be designated by them. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent elections, to, at least twenty days before each election, designate the polling places and appoint three election officers for each place of voting. At all elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every

case the polls shall be open between one o'clock p. m. and eight o'clock p. m. All electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.

Officers of the city and county having charge of the registration books of any city or precinct in a port district shall deliver the same for the use of the election officers at all port elections. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, such books shall be delivered to the port commission and school district or other public corporation jointly, and the same polling places and registration books may be used jointly in such cases, and the same individuals may serve as election officers for all such joint elections, and in such cases the compensation of such election officers and other expense shall be so divided that the port district shall bear only its proportionate share thereof.

The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

RCW 29.21.060
amended.

SEC. 7. Section 5, chapter 194, Laws of 1945, as last amended by section 5, chapter 101, Laws of 1951 and RCW 29.21.060 are each amended to read as follows:

Declarations
of candidacy
in certain
cities and
districts
filed.

All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty

nor less than forty-five days prior to the day of the primary with the clerk thereof.

All candidates for district offices, other than in irrigation districts and in port districts of class AA and class A counties, shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy.

Withdrawal.

The city clerk in class A counties shall transmit to the county auditor at least thirty-five days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections: *Provided*, That no filing fee shall be charged in the event that the office sought is without compensation.

Fees.

Note: See also section 2, chapter 247, Laws of 1959.

SEC. 8. Section 8, chapter 17, Laws of 1959 and RCW 53.12.150 are each amended to read as follows:

RCW 53.12.150 amended.

In the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners.

Commissioner vacancies, how filled.

If there should be at the same time such number of vacancies that there are not in office a majority

of the full number of commissioners fixed by law, county commissioners of the county shall within fifteen days of such vacancies make appointments to fill the vacancies ad interim through the next general election.

New section.

SEC. 9. There is added to chapter 53.12 RCW a new section to read as follows:

Declarations of candidacy filed.

All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county at the same time as and in the same manner as candidates for county offices.

New section.

SEC. 10. There is added to chapter 53.12 RCW a new section to read as follows:

Primary elections, when.

In the event that more than two candidates are filed for the office of port district commissioner in any port commissioner district or for the office of port district commissioner at large after the last day for withdrawal of candidacy, in port districts in class AA and class A counties, the county auditor shall conduct a port district primary at the same time at which he conducts the county primaries.

In the event that no more than two candidates are filed for the office of port district commissioner in any port commissioner district or for the office of port district commissioner at large after the last day for withdrawal of candidacy, in port districts in class AA and class A counties, the county auditor shall not conduct a primary and shall notify the candidates in such districts that there will be no primary, and shall cause their names to be printed in alphabetical sequence on the ballot for the general elections only.

General election ballot, when primary.

In the event that a primary is conducted for the office of port district commissioner, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in

that order on the port district general election ballot under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the port district general election ballot so that the voter shall have a choice of two candidates for each position. The sequence of names of candidates printed on the district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the district primary and general election ballot need not be rotated.

SEC. 11. Section 2, chapter 39, Laws of 1921, as amended by section 1, chapter 69, Laws of 1951 and RCW 53.12.030 are each repealed. **Repeal.**

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. **Emergency.**

Passed the House February 20, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 17, 1959.